

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Wassim Abedrabbo	Team: Squad #9	CCRB Case #: 201804810	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/14/2018 8:00 AM	Location of Incident: § 87(2)(b) 67th Precinct Stationhouse	Precinct: 67	18 Mo. SOL 12/14/2019	EO SOL 12/14/2019	
Date/Time CV Reported Mon, 06/18/2018 10:11 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/18/2018 10:11 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Carl Scogmanillo	04519	940723	067 PCT
2. POF Kristen Mastrangelo	15675	961927	067 PCT
3. POM Matthew Pagano	17526	959036	067 PCT
4. POM Nasimdzhon Melikov	18434	964164	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Hector Martinez	17545	938950	067 PCT
2. POM Brian Montross	25528	946523	067 PCT
3. POM Mina Gergis	11824	956671	067 PCT
4. POF Ciera Lawson	26868	955047	067 PCT
5. POM Christophe Goetz	15897	964019	067 PCT
6. POM Omar Rivera	30424	940365	067 PCT
7. POF Ashley Ashby	25564	962227	067 PCT
8. POF Jasmine Sweat	20021	962825	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Matthew Pagano	Abuse: At § 87(2)(b) in Brooklyn, Police Officer Matthew Pagano drew his gun.	§ 87(2)(b)
B.POM Matthew Pagano	Abuse: Police Officer Matthew Pagano entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.SGT Carl Scogmanillo	Abuse: Sergeant Carl Scogmanillo entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
D.SGT Carl Scogmanillo	Abuse: At § 87(2)(b) in Brooklyn, Sergeant Carl Scogmanillo threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
E.SGT Carl Scogmanillo	Abuse: At § 87(2)(b) in Brooklyn, Sergeant Carl Scogmanillo arrested § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
F.SGT Carl Scogmanillo	Abuse: At § 87(2)(b) in Brooklyn, Sergeant Carl Scogmanillo arrested § 87(2)(b)	
G.POM Nasimdzhon Melikov	Discourtesy: At the 67th Precinct stationhouse, Police Officer Nasimdzhon Melikov spoke discourteously to § 87(2)(b)	
H.SGT Carl Scogmanillo	Abuse: Sergeant Carl Scogmanillo searched § 87(2)(b) in Brooklyn.	
I.POF Kristen Mastrangelo	Abuse: Police Officer Kristen Mastrangelo searched § 87(2)(b) in Brooklyn.	

Case Summary

On June 18, 2018, § 87(2)(b) filed this complaint with the CCRB via telephone.

On June 14, 2018, at approximately 8:00 a.m., Police Officer Matthew Pagano and Police Officer Kristen Mastrangelo, both of the 67th Precinct, responded to a 9-1-1 call at § 87(2)(b) in Brooklyn, made by § 87(2)(b) who stated that she was menaced with a firearm. After learning that § 87(2)(b) the perpetrator, was in the home, PO Pagano approached the front door with his gun drawn and entered the home (**Allegation A: Abuse of Authority - Gun drawn, § 87(2)(g)**) (**Allegation B: Abuse of Authority – Entry of premises, § 87(2)(g)**). Sergeant Carl Scogmanillo, also of the 67th Precinct, arrived shortly after, decided the location would be “frozen” and then also entered the home (**Allegation C: Abuse of Authority – Entry of premises, § 87(2)(g)**).

Sgt. Scogmanillo instructed officers to place § 87(2)(b) § 87(2)(b) and § 87(2)(b) who are all brothers, in custody. When § 87(2)(b) expressed his displeasure, and stated that he did not want to be handcuffed, Sgt. Scogmanillo drew his Taser (**Allegation D: Abuse of Authority – Threat of Force, § 87(2)(g)**).

§ 87(2)(b) and § 87(2)(b) were arrested and transported to the 67th Precinct stationhouse, along with § 87(2)(b) (**Allegation E and F: Abuse of Authority – Other, § 87(2)(g)**). While Police Officer Nasimdzhon Melikov was lodging § 87(2)(b) into a cell at the stationhouse, § 87(2)(b) asked him why he was there and PO Melikov allegedly told him to “shut the fuck up” (**Allegation G: Discourtesy, § 87(2)(g)**).

Ultimately a search warrant was obtained by PO Mastrangelo, supervised by Sgt. Scogmanillo, and a search of § 87(2)(b) was conducted (**Allegations H and I: Abuse of Authority – Search of Premises, § 87(2)(g)**).

Body Worn Camera (BWC) footage was obtained via the IAB-CCRB liaison unit in relation to this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: At § 87(2)(b) in Brooklyn, Police Officer Matthew Pagano drew his gun.

Allegation (B) Abuse of Authority: Police Officer Matthew Pagano entered § 87(2)(b) in Brooklyn.

Allegation (C) Abuse of Authority: Sergeant Carl Scogmanillo entered § 87(2)(b) in Brooklyn.

It is undisputed that § 87(2)(b) is owned by § 87(2)(b) the aunt of § 87(2)(b) and § 87(2)(b).

As depicted in PO Pagano’s BWC footage, attached to IA 60 of the electronic case file, at 07:59:12 AM, § 87(2)(b) immediately informed PO Pagano that § 87(2)(b) threatened to shoot her and that he was inside of the home with the gun (**Board Review 01**). At 07:59:18 AM, § 87(2)(b) exits the home; after which, § 87(2)(b) told PO Pagano that she saw a gun in the home but she did not know where it was, and that § 87(2)(b) older brother, § 87(2)(b) was inside of the home. At 08:00:30 AM, PO Pagano enters the home.

The angle captured by PO Mastrangelo’s BWC, attached to IA 61 of the electronic case file, shows that as § 87(2)(b) begins to exit the home at 07:59:12 AM, PO Pagano draws his gun with his right hand (**Board Review 02**). After § 87(2)(b) exits the home and presents his hands out and above his head upon instruction, PO Pagano holsters his gun.

The video footage from Police Officer Johnny Lau's BWC, attached to IA 62 of the electronic case file, depicts Sgt. Scogmanillo speak with § 87(2)(b) at 08:02:30 AM (**Board Review 03**). § 87(2)(b) informs Sgt. Scogmanillo that she saw a gun in the home, but did not know where it was. Sgt. Scogmanillo then instructed officers to "lock the house down," and he entered the home.

It is undisputed that after the officers entered the location, they secured the location and the occupants inside and did not search the location at that time.

Patrol Guide Procedure 221-01 An officer's decision to draw a gun should be based on an articulable belief that the potential for serious physical injury is present (**Board Review 04**).

People v. Greenleaf, 222 A.D.2d 838 (1995) If an officer has a reasonable belief that there is an emergency requiring officer assistance to protect life or property, reasonable basis to associate that belief with the area entered, and motive to enter the area other than to affect an arrest or find evidence, the exigent circumstances exception to Fourth Amendment protections against unreasonable entries is satisfied (**Board Review 05**).

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Abuse of Authority: At § 87(2)(b) in Brooklyn, Sergeant Carl Scogmanillo threatened § 87(2)(b) with the use of force.

PO Martinez's BWC footage shows that after officers informed § 87(2)(b) that he would be placed in handcuffs and taken to the Precinct stationhouse, he became upset and repeatedly stated that he was not going and that the officers were not going to put him in handcuffs. (**Board Review 13**).

§ 87(2)(b) stated in his sworn CCRB statement that after he said he would not be placed in handcuffs or taken to the stationhouse, Sgt. Scogmanillo placed a hand on a tool on his utility belt and that made him feel threatened (**Board Review 08**). He did not see what the tool was, but was informed at a later point by § 87(2)(b) that it was a Taser. § 87(2)(b) did not see Sgt. Scogmanillo draw the Taser or hear him make any statements in relation to the Taser.

During his CCRB statement, Sgt. Scogmanillo confirmed that he was the officer depicted holstering his Taser at 08:14:19 AM in PO Murrell's BWC footage (**Board Review 09**). Sgt. Scogmanillo stated that he drew his Taser because he wanted to prevent any resistance on the part of § 87(2)(b) and to prevent the situation from escalating.

Patrol Guide Procedure 221-08 (Board Review 10). A Taser should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent injury to the subject or other party present. Active resistance includes verbally signaling an intention to avoid or prevent being taken into custody.

§ 87(2)(g)

Allegation (E) Abuse of Authority: At § 87(2)(b) in Brooklyn, Sergeant Carl Scogmanillo arrested § 87(2)(b)

Allegation (F) Abuse of Authority: At § 87(2)(b) in Brooklyn, Sergeant Carl Scogmanillo arrested § 87(2)(b)

It is undisputed that § 87(2)(b) alleged that only § 87(2)(b) had a gun and had threatened her with it. Additionally, it is undisputed that Sgt. Scogmanillo ordered that § 87(2)(b) and § 87(2)(b) be arrested along with § 87(2)(b) for possession of a firearm **(Board Review 25) (Board Review 26)**.

During his CCRB statement, Sgt. Scogmanillo stated that § 87(2)(b) informed him that the gun was inside of a couch. She did not specify to Sgt. Scogmanillo who the gun belonged to. When he entered the home, civilians, who he could not identify, were sitting on the couch and Sgt. Scogmanillo instructed them to move away from the couch.

§ 87(2)(b) and § 87(2)(b) were ultimately arrested because the officers had knowledge that there was a gun in the home in a common area, the couch, but they did not know who had the gun. Because they did not know who had the gun, Sgt. Scogmanillo determined that all occupants had access to the gun. Sgt. Scogmanillo did not have any other reason to arrest § 87(2)(b) or § 87(2)(b) **(Board Review 09)**.

Between 07:59:52 AM and 07:59:59 AM of the footage captured by PO Pagano's BWC, attached to IA 60 of the electronic case file, § 87(2)(b) informed PO Pagano that only § 87(2)(b) had a gun and that his "brother" did not **(Board Review 01)**.

Between 08:02:22 AM and 08:02:30 AM of the footage from PO Lau's BWC, attached to IA 62 of the electronic case file, § 87(2)(b) informed Sgt. Scogmanillo that she saw a gun in the home, but did not know where it was. Sgt. Scogmanillo then immediately instructs the officers to "lock the house down." Sgt. Scogmanillo did not ask § 87(2)(b) who the gun belonged to **(Board Review 03)**.

Upon review of all BWC footage of the incident, Sgt. Scogmanillo did not speak with § 87(2)(b) a second time between their initial conversation and the time he decided § 87(2)(b) and § 87(2)(b) would be arrested.

The investigation obtained the Declined to Prosecute forms prepared in relation to the arrests of § 87(2)(b) and § 87(2)(b) **(Board Review 06) (Board Review 07)**. In both instances, § 87(2)(b), § 87(2)(a) 160.50

Patrol Guide Procedure 208-01. An officer may affect an arrest without a warrant if they believe a crime occurred and had reasonable cause to believe that the person being arrested committed the crime **(Board Review 23)**.

§ 87(2)(g)

Allegation (G) Discourtesy: At the 67th Precinct stationhouse, Police Officer Nasimdzhon Melikov spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that approximately five minutes after he was placed in a cell at the 67th Precinct stationhouse, PO Melikov walked § 87(2)(b) into the cell area to place him in a cell. § 87(2)(b) asked PO Melikov why he was there, and PO Melikov told him to “shut the fuck up” (**Board Review 08**).

In his CCRB statement, § 87(2)(b) initially was unable to provide any information regarding statements made by PO Melikov as he was being brought into the cell area. However, when asked, he stated that he did hear PO Melikov stated, “Shut the fuck up” right before he walked away (**Board Review 11**).

PO Melikov confirmed that he placed § 87(2)(b) into a cell (**Board Review 24**). He did not recall § 87(2)(b) or § 87(2)(b) being upset while he did so, he did not recall speaking to them, and he did not recall telling § 87(2)(b) to “shut the fuck up.”

Upon review of PO Melikov’s BWC, attached to IA 78 of the electronic casefile, it was determined that the BWC was turned off before the interaction in which the alleged statement occurred (**Board Review 12**).

Because the prisoner holding pen roster and the command log were redacted, additional witnesses were unable to be identified (**Board Review 27**) (**Board Review 28**).

§ 87(2)(g)

Allegation (H) Abuse of Authority: Sergeant Carl Scogmanillo searched § 87(2)(b) in Brooklyn.

Allegation (I) Abuse of Authority: Police Officer Kristen Mastrangelo searched § 87(2)(b) in Brooklyn.

It is undisputed that PO Mastrangelo obtained a search warrant from the Kings County Supreme Court; after which, a complete search of the home was conducted.

On § 87(2)(b), search warrant § 87(2)(b) was granted and signed by the Honorable § 87(2)(b) of the Kings County Supreme Court, based on the sworn testimony of PO Mastrangelo (**Board Review 13**). The scope of the warrant allowed for the search of all areas, including locked storage spaces, at § 87(2)(b) between 6:00 a.m. and 9:00 p.m., in which “the property sought to be seized can be stored,” i.e. the gun.

In a phone statement provided to the CCRB, § 87(2)(b) stated that she was allowed to re-enter her home on the evening of June 14, 2018, at approximately 7:00 p.m., at which time all officers on scene left (**Board Review 14**).

NYS Criminal Procedure Law § 690.20 (**Board Review 15**). A search warrant issued by an NYC criminal court judge may be executed pursuant to its terms in the county of issuance.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 16**).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 17**).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 18**).
- PO Pagano has been a member-of-service for three years and has been a subject in two other CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g) (see officer history).
- Sgt. Scogmanillo has been a member of service for 13 years and has been a subject in 18 CCRB complaints and 39 allegations, of which three allegations were substantiated (see officer history):
 - CCRB case number 201104149 involved substantiated allegations of a stop, frisk, and search of person against Sgt. Scogmanillo. The Board recommended charges and the NYPD imposed a Instructions.
 - § 87(2)(g)
- PO Melikov has been a member-of-service for one year and this is the first CCRB complaint to which he has been a subject (see officer history).
- PO Mastrangelo has been a member-of-service for two years and this is the first CCRB complaint to which she has been a subject (see officer history).

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**Board Review 19**).
- According to the OCA, § 87(2)(b) has no history of convictions in New York City (**Board Review 20**).
- According to the OCA, § 87(2)(b) has no history of convictions in New York City (**Board Review 21**).
- As of May 13, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**Board Review 22**).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date